

FILED

MOLICA RATHA KEO
2550 Chestnut Avenue
Long Beach, CA 90806
(310) 402-3200

2017 AUG -4 AM 10: 29

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

Defendant in Pro Per

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SOCHEAT CHY

Plaintiff,

vs.

SING LIM; RAY LIM; TIFFANY NGO;
NGO ASSET MANAGEMENT, LLC;
TIFFANY NGO IN HER CAPACITY AS
TRUSTEE OF THE TIFFANY NGO
LIVING TRUST UTD; NAING LAM YAM;
JANE DOE 1; CINDY KANYA CHAN;
MOLICA RATHA KEO; NIVODETH
KHIEV; DOE GAS STATION 2; DOE GAS
STATION 3; DOE LAUNDROMAT 4; and
DOES 5 through 10,

Defendants,

CASE No.: 2:17-cv-04325 - BRO (AG R)

ANSWER OF DEFENDANT
MOLICA RATHA KEO

DEMAND FOR JURY TRIAL

Comes now, Defendant, MOLICA RATHA KEO, in answering the
Complaint on file herein alleges as follows:

1. Defendant denies each and every allegation contained in the
Complaint except those expressly admitted below.
2. Defendant admits the jurisdiction is based under U.S.C. § 1331 since
Plaintiff allegedly claims that Defendants violate of federal statutes 18 United States

1 Code Sections 1584, 1589, 1590, 1593A and 1595 (a), as well as 29 United States
2 Code Sections 206 and 207.

3 3. Defendant admits that pursuant to 28 U.S.C Section 1391(b), venue is
4 proper in the United States District Court of the Central District of California.

5 4. Defendant admits that Mr. Naing Lam Yam did bring Plaintiff to Long
6 Beach to live in the house that belongs to her daughter, Nivodeth Khiev for
7 approximately six months from October 2013 to April 20-14. Her daughter's house
8 located at 2550 Chestnut Avenue, Long Beach, CA 90806. The house has three
9 bedrooms. Her daughter occupies one, defendant occupies one and the remaining
10 room has been renting out to Naing Lam Yam for \$550.00 per month since
11 September 2001. Please see my declaration attached hereto as EXHIBIT "A".
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15 **Affirmative Defenses**

16 5. For a further answer to Plaintiff's Complaint and by way of affirmative
17 defenses, Defendant alleges as follows:

18 **FIRST AFFIRMATIVE DEFENSE**

19 6. As a separate and distinct First Affirmative Defense to the Complaint
20 and each cause of action alleged therein, it is alleged that the Complaint and said
21 causes of action fail to state facts sufficient to constitute and cause of action against
22 Defendant.
23

24 **SECOND AFFIRMATIVE DEFENSE**

25 7. As a further, separate and distinct Second Affirmative Defense to the
26 Complaint and each cause of action alleged therein, it is alleged that the Plaintiff
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28

1 failed subsequent to the occurrence described in his Complaint to properly mitigate
2 the damages and thereby is precluded from recovering those damages which could
3 have reasonably been avoided by the exercise of due care on the Plaintiff's part.

4 THIRD AFFIRMATIVE DEFENSE

5 8. As a further, separate and distinct Third Affirmative Defense to the
6 Complaint and each cause of action alleged therein, it is alleged that the Plaintiff
7 voluntarily and with full knowledge of the matters referred to in said Complaint
8 assumed any and all of the risk, hazards, and perils of the circumstances referred
9 to in said Complaint and, therefore, assumed the risk of any injuries or damages
10 sustained by said Plaintiff, if any at all.
11

12 FOURTH AFFIRMATIVE DEFENSE

13 9. As a further, separate and distinct Fourth Affirmative Defense to the
14 Complaint and each cause of action alleged therein, it is alleged that this incident
15 was caused by the negligence and/or fault of other persons, corporations, and
16 entities of both parties and non-parties to this action, whether named or not named
17 and that Defendant's liability, if any, should be reduced accordingly.
18

19 FIFTH AFFIRMATIVE DEFENSE

20 10. As a further, separate and distinct Fifth Affirmative Defense to the
21 Complaint and each cause of action alleged therein, it is alleged that said
22 Complaint is barred by the Statute of Limitations; to wit, sections 337.1, 338, 339,
23 340, and 343 of the California Code of Civil Procedure; and section 17208 of the
24 California Business & Professions Code.
25

26 SIXTH AFFIRMATIVE DEFENSE

11. As a further, separate and distinct Sixth Affirmative Defense to the Complaint and each cause of action alleged therein, it is alleged that Defendant had no independent knowledge, as of the filing of this answer, of the facts allegedly constituting the cause of action in Plaintiff's Complaint, and based thereon, hereby respectively requests leave of Court to amend this Answer to include those affirmative defenses that are revealed during the course of Defendant's discovery.

SEVENTH AFFIRMATIVE DEFENSE

12. As a further, separate and distinct Seventh Affirmative Defense to the Complaint and each cause of action alleged therein, it is alleged that pursuant to Civil Code Section 55, in the event Defendant prevails in this action, Defendant shall be entitled to recover reasonable attorneys' fees as and for the defense of this matter, and Defendant hereby alleges entitlement by reason thereof to attorneys' fees and reasonable costs in this action.

EIGHTH AFFIRMATIVE DEFENSE

13. As a further, separate and distinct Eighth Affirmative Defense to the Complaint and each cause of action alleged therein, it is alleged that as a consequence of the conduct of or attributable to Plaintiff in connection with the alleged incident which is subject to this litigation and the bringing of this claim, Plaintiff is estopped from securing any relief from Defendant

WHEREFORE, Defendant prays:

1. That Complaint be dismissed with prejudice,
2. That Plaintiff take nothing by way of their complaint,

1 3. That Defendant have and recover its cost of suit, including attorneys'
2 fees, and

3 4. For such other and further relief as the Court deems just and equitable.

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5 Dated: August 3, 2017

6 By: Molicea Keo
7 Molica Ratha Keo
8 Defendant in Pro Per
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DECLARATION OF MOLICA RATHA KEO

Exhibit APage 1 of 3

I, MOLICA RATHA KEO, declare:

1. I am one of the Defendants in this action and I am submitting this Declaration in support of my answer to the complaint filed by Socheat Chy (Chy). I am personally familiar with the facts stated herein, except those stated upon information and belief and as to those I believe them to be true. If called upon as a witness, I would and could competently testify thereto.
2. I am the mother of NIVODETH KHIEV (Julie), who is the owner of a single family residence located at 2550 Chestnut Avenue, Long Beach, CA 90806. The house has three bedrooms. I occupy one room and I pays \$550.00 to my daughter for the room. Julie occupies the second room. My daughter has rented out the third room to Naing Lam Yam (Naing) since September 2001 with a monthly rent of \$550.00.
3. I was Naing's former girlfriend. Our relationship began sometime in 2000 when during his trip from Virginia to Orange County, California to visit his father who was in the hospital for a serious illness. In 2001, Mr. Yam had moved in and lived with me in my daughter's house. Our relationship lasted about four years. After our relationship ended, Naing decided to move out, but my daughter offered that if he wanted, he could rent the extra room in her house. Naing decided to stay and has paid \$550 per month ever since.
4. I am disabled and have been receiving public assistance approximately \$890.00 per month from Social Security Administration. I spent most of the time at home due to my illness, I feel weak both physically and mentally. I am also very superstitious and believe in spiritual power so I often travel back to my country to visit old and ancient temples to seek spiritual help for my illness. I have returned to my country more than 10 times for such purpose and also doing charity works. I believe that if I have a true heart and do good deeds by helping others, my illness would go away and I would have a happy life.

DECLARATION OF MOLICA RATHA KEO

- 1 5. I have known Chy since 2006. While visiting Cambodia, I would take Chy along
2 with me to visit places, or to help me to distribute goods to the people in the poor
3 and poverty stricken areas.
- 4 6. I met Chy again in October 2013 when her husband Naing Lam Yam brought her
5 to live in with my daughter and I. Chy lived in our house for approximately six (6)
6 months from October 2013 to April 2014.
- 7 7. During the period when Chy lived in our house, most of the time, we just stayed
8 home. When my daughter, Julie had time, she would take me and Chy shopping,
9 to Chinatown, to go out to eat, to visit places, or go to Morongo Casino etc.
10 When I did light chores around the house such watering plants, sweeping and
11 moping the floor, Chy lend a hand. I do not cook at home. All meals were
12 prepared and cooked by Julie after she returned home from work. When Julie
13 went to the market or grocery stores to buy foods, she would take Chy along.
14 When foods was brought home, Julie stocked foods in the refrigerator.
15 Sometimes Chy would lend a hand and help Julie. Despite that we have four
16 people in the house, we were cooking and eating separately.
- 17 8. At no time have I ever asked Chy to perform any work at our house, nor
18 restricted her from leaving the house.
- 19 9. Anything that Chy had done at our house while she stayed with us, such as
20 cooking, sweeping, stocking the refrigerator, cleaning house and/or cleaning the
21 yard, if any, was voluntary in return for the hospitality that my daughter and I had
22 provided. While staying at our house, Chy on several occasions, said that she
23 wanted to become my daughter. We took her in, cared for her and tried to help
24 her as much as possible since she was alone in this country.
- 25 10. At no time had I physically or verbally abused, forced, or confined Chy in any
26 manners or was I involved in with any illegal human trafficking, recruiting illegal
27 aliens that involved Socheat or other human beings.

28 Exhibit "A"

Page 2 of 3

1 I declare under penalty of perjury under the laws of the United States of America that
2 the foregoing is true and correct.

3 Executed on August 3, 2017, in Long Beach, CA.

Exhibit "A"

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6 Molika Keo
7 Molika Ratha Keo
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DECLARATION OF MOLICA RATHA KEO